IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.24527 of 1997

Dated: 29-06-2007

Between:

R. Mohan Lal, s/o Ram Lal.

... Petitioner

and

1. The District Collector, Hyderabad and 2 others.

... Respondents

ORDER:

This writ petition is filed seeking a *mandamus* to declare the action of respondents 1 and 2 in granting pattas to third parties of the lands belonging to Sri Navagraha Hanuman Temple, situated at D.No.5-3-332, Jeera, R.P. Road, Secunderabad or any portion thereof, as arbitrary and illegal and consequently direct respondents 1 and 2 or any other person to desist from interfering with petitioner's possession and enjoyment of the lands belonging to the said Temple

2. Petitioner states that Sri Navagraha Hanuman Temple situated at Jeera, Secunderabad was originally constructed by his grand father

late Shri Gopal Singh in 1912 and the said Temple was surrounded by vacant land in an extent of 4729.96 square yards = 4143 square metres.

After the death of his grand father, his father was appointed as trustee of the said Temple and after the death of his father, he has been continuing as hereditary trustee and the same was recognized by the Endowments Department. When there was a dispute about the trusteeship among his family members, the title in respect of the said properties was recognized by all the competent Civil Courts upto Supreme Court and the title of the land admeasuring an extent of 4729.96 square yards was ultimately held to be that of the said Temple. Be that as it may, respondents 1 and 2 without recourse to law are trying to take over the said land for the purpose of constructing houses to the members belonging to weaker sections. The said action is questioned in this writ petition.

3. Despite the fact that respondents are served with notices, they have not chosen to file any counter affidavit. The third respondent who is the Executive Officer of the said Sri Navagraha Hanuman Temple filed a counter affidavit admitting the averments made by petitioner.

4. Heard Sri C. C. S. Sastry, learned counsel for petitioner.

5. As the title is recognized by all the competent Civil Courts and it vests with the Temple, respondents cannot acquire the same without following due process under law. May be some land is required for public purpose, but the same cannot be done without initiating proceedings either under the Land Acquisition Act or some other relevant law.

6. Accordingly, the writ petition is allowed and respondents 1 and 2 are hereby directed not to acquire the land in question, without following due process under law. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.29-06-2007
GLV